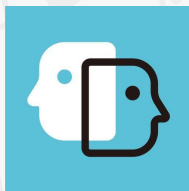


Quick Assessment on *HK National Security Law*

How it affects internet regulations and human right conditions in HK and what we can do



Doublethink Lab

Min-Hsuan Wu (ttcat)
Shih-Shiuan Wilson Kao



Shih-Shiuan Wilson Kao

Legal Researcher in Doublethink Lab

LL.M. of Natl Taiwan U (Criminal Law)

Former Legislative Assistant in

Taiwanese Legislature (2018–20)

Outline

- Introduction on *HK National Security Law*
- Possible regulatory measures on the internet that could be implemented by the HK Authority.
- How it's going to affect others in the region - what are the things we should watch out for?
- What can the community do to help those in HK and Taiwan?

The background of the slide features a repeating pattern of light gray medical icons on a white background. The icons include a clipboard with a checklist, a pill capsule, a circle with a diagonal line (prohibited sign), and a plus sign. These icons are arranged in a grid-like fashion, creating a subtle, thematic backdrop for the text.

Intro on *HK National Security Law*

What happened to HK?

- Hong Kong as a Special Administrative Region: a result of “one country-two systems” arrangement
- “Constitution” of HK: *HK Basic Law*
 - Also a law of PRC
 - PRC Congress has the final rights to amend and interpret *HK Basic Law*



Images from Wikimedia

What happened to HK?

- *HK National Security Law* was passed by PRC Congress (NOT HK legislature) **secretly** on Jun 30, and enacted in 11PM at the same day.
- On Jul 7, *Implementation Rules for § 43 of Natl Sec Law* was enacted by HK gov't



Yat Kai Yeung/NurPhoto via Getty Images

What exactly is *HK Natl Sec Law* about?

Create new
gov't bodies



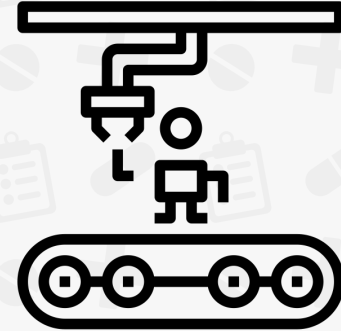
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Describe new
crimes



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Disintegrate
rule of law



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Which gov't bodies are newly created?

- **Committee** for Safeguarding National Security of HK Gov't
 - supervised by Beijing
- **Office** for Safeguarding National Security of PRC Central Gov't in HK Region
 - The *de facto* ruling body of HK
 - Supervises the **Committee**
 - Officers are immune to local HK laws



Photo by Anthony Wallace/AFP

Which gov't bodies are newly created?

- Special **Department** in Police Force and Prosecution **Division** in Department of Justice
 - Candidates of chiefs *de facto* determined by the **Office**
- Related expenditures and posts are not limited by local HK laws



Photo via AFP

What constitute crimes in *HK Natl Sec Law*?

- **Secession** and Undermining National Unification
 - Not limited to violent means; assistance is also punished
- Real example: carrying “Free HK, revolution now” flags in (peaceful) demonstration



Photo via AFP

What constitute crimes in *HK Natl Sec Law*?

- **Subversion**
 - By force, by threat or “illegal means”
 - “Seriously Interfere the performance ... of HK/PRC gov’t body”
- Real example: primary election by pro-democracy camp is considered illegal by HK Chief Carrie Lam



Photo via VOA Cantonese

What constitute crimes in *HK Natl Sec Law*?

- **Terrorist Activities:**

- Serious violence against person(s)
- Causing explosions, arsons, etc.
- Sabotage of transport, electricity, etc.
- Other activities seriously jeopardise public safety/health/security

- Confrontational demonstrations are likely to be treated as this category of offence



Photo by Lan Yik Fei for
The New York Times

What constitute crimes in *HK Natl Sec Law*?

- **Collusion:** being directed/assisted by foreign powers to:
 - Provide Intelligence or state secret;
 - Disrupt legislation and policy;
 - Incite foreign sanctions or waging wars;
 - Incite local hatred toward HK /PRC gov't
- High profile activists (e.g. Joshua Wong) and foreign NGOs are targeted by this categories



Photo by Olivier Douliery/AFP

How judiciary is corrupted by *HK Natl Sec Law*?

- **Deterioration of judicial independence**
 - Chief of HK gov't shall appoint judges for relevant cases
 - “National security/secret” shall be certified by Chief of HK gov't, and the certification is binding to the court
 - Jury may be omitted; trials may be conducted in chambers



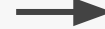
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How judiciary is corrupted by *HK Natl Sec Law*?

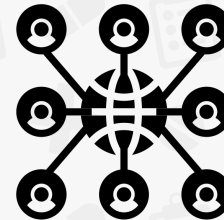
- **Transference of jurisdiction** on certain cases (e.g. foreign involvement), which the law of mainland PRC would applied
- **Long-arm jurisdictions:** applied to foreigners in foreign lands.
- **Coercive Measures** granted by the *Implementation Rules for NSL Article 43*



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What coercive measures can HK/PRC do?

Censorship and
user records
collection



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Duty of info
disclosure for
foreign org/agents



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Interception
and covert
surveillance



Created by Luis Prado
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What can happen to the internet?

- **Removal of Messages or Requiring Assistance**
 - Removal/Block of messages/service; collection of user identity records
 - Applied to authors, platform, server or network service providers
 - No court warrant is required for the removal/blockage (contradict w/ the Manila Principle)



Created by I Putu Kharismayadi
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What can happen to foreign/TW collaborators?

- **Duty of Providing Information for Foreign and Taiwan Political Organizations and Agents**
 - Legitimation of gov't harassment; no court warrant is required
- **Communication Interceptions and Covert Surveillance**
 - No court warrant is required



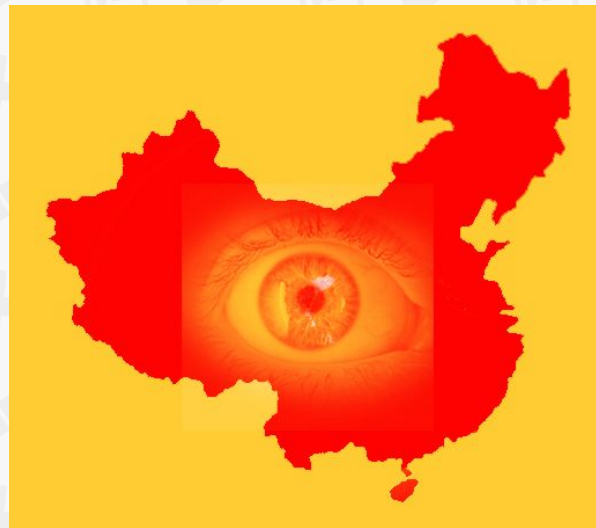
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The Winter is Coming: Worst Case Scenarios in HK

- The PRC firewall may extend to HK
 - SNS, search engines and comm' apps from democratic states may be partially/fully blocked
 - Forced data localisation for legal compliance
- Financial decoupling between HK/PRC - US



Images from EFF

The Winter is Coming: Worst Case Scenarios in HK

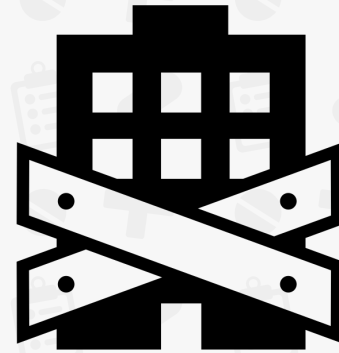
- Selective enforcements of Natl Sec Law:
 - High profile cases may be transferred to PRC mainland
 - Foreigners in HK are more likely to be targeted for “hostage diplomacy”
 - Censorships and coercive measures become daily norms
- “One country, two systems” arrangement ceases to exist except its name



Photo by HANDOUT/Reuters

How Does That Affects Others in the Region?

- Interruption or termination of business in HK is foreseeable
 - Including financial and logistics flows to/through HK
- Effective security measures shall be stringently executed when contacting your HK associates



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How Does That Affects Others in the Region?

- Extradition of non HK/TW/PRC nationals to HK/PRC for supporting HK?
 - Theoretically possible, but...
 - Flights and vessels registered in HK/PRC shall be avoided
- Similar measures exported to other countries (authoritarian diffusion)



How Can We Help?

- Censorship circumvention tools/services become more urgently required
- Voicing for HK dissidents to preserve their tie with international communities
 - If most/all HKers become dissidents and being noticed, NSL enforcement become costly

Thanks!

Contact:

wilsonkao@doublethinklab.org

+886-905-721609

ttcat@doublethinklab.org

+886-935-697573

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